



DOCKET NO.: MSFT-0584/167511.02
Application No.: 09/904,465
Office Action Dated: August 10, 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Steven E. Swenson, Theodore Calhoun
Tanner, Jr.

Confirmation No.: 8067

Application No.: 09/904,465

Group Art Unit: 2154

Filing Date: July 13, 2001

Examiner: Jungwon Chang

For: System and Methods for Automatic DSP Processing

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION PURSUANT TO 37 C.F.R. 1.131

I, Theodore Calhoun Tanner, Jr., declare and say that:

1. I am an inventor of the invention described and claimed in U.S. Patent Application No. 09/904,465 (the above-identified application, hereinafter "the '465 application"), which was filed with the United States Patent and Trademark Office on July 13, 2001.
2. I understand that U.S. Provisional Application No. 60/219,351, filed on July 14, 2000, is the priority application to which the '465 application claims priority.
3. As an inventor, I am familiar with the '071 application and the associated rejections alleged in the outstanding Official Action, dated August 10, 2005. I am also familiar with the references cited by the United States Patent and Trademark Office in connection with the outstanding Official Action, including U.S. Patent No. 6,657,116 (hereinafter "Gunnerson").
4. In particular, I understand that claims 12-20 of the '465 application were rejected under 35 U.S.C § 102(e) as allegedly anticipated by Gunnerson.

5. I understand that Gunnerson was filed on June 29, 2000, issuing on December 2, 2003, giving an effective reference date of June 29, 2000.

6. In accordance with 37 CFR § 1.131, as an inventor of the subject matter of the rejected claims, and without conceding the propriety of the outstanding rejections, I hereby declare that I invented the subject matter of the rejected claims prior to June 29, 2000, the earliest possible effective date of the Gunnerson reference, and thus I am the prior inventor as referred to in that Section.

7. In particular, I am the prior inventor because I conceived of the invention represented by the rejected claims prior to June 29, 2000. Soon after my conception, with due diligence, on July 14, 2000, I constructively reduced the invention to practice by timely filing a provisional application with the United States Patent & Trademark Office to secure my patent rights.

8. As evidence of my prior conception, on May 4, 2000, I made mention of the invention of the '071 application in a notebook (copies of the relevant notebook pages attached hereto). Also, as indicated in the corresponding Invention Disclosure document (also attached), signed by me and co-inventor Steven Swenson, the content of the invention was disclosed inside the company to Chris Weare first on May 4, 2000 (the same day as the notebook entry).

9. Accordingly, it is my belief that the copies of the relevant pages from my notebook attached hereto evidence my possession of the invention described in the '465 application prior to June 29, 2000, thereby removing Gunnerson as an applicable reference.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or by imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application, any patent issuing there upon, or any patent to which this verified statement is directed.

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